

ABO CHANGES - QUICK REFERENCE GUIDE

| <u>Code Section</u> | <u>Existing Provision</u> | <u>Proposed Revision</u> |
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| 10-1 | Provides Definitions for Ch. 10 | Creates new definitions to contemplate newer uses in the CZO, such as brewery, distillery, micro-brewer, micro-distiller. Also creates needed administrative definitions that are currently absent from the code, such as applicant and business entity. |
| 10-4 | Enforcement of ABO provisions | Creates a new section that affords applicants and other aggrieved parties appeals rights to the ABO board if permit issuance or renewals are denied by S&P. |
| 10-5 | NOPD Investigation of ABO Outlets/Employees | Simply revising the references to update uses that are no longer in the CZO such as "cabaret" and "nightclub" and replacing them with compatible, existing uses "bar" "live performance venue" |
| 10-6 | Enumerates Specific ABO Violations | Reserves this section since the provisions were duplicative of section 10-157 (which contemplates Chapter 10 violations). |
| 10-11 | Requires the printing of Ch. 10 in pamphlet form | Reserves this section since Ch. 10 can easily be printed online. |
| 10-12 | Establishes an advisory committee (established back in 1997) to assist in rewrites of the ABO code, which was never established in the timeframes required by law (committee had to be established within 45 days from April 3, 1997). | Reserves this section since the committee was never formed as provided by law. |
| 10-46 | Requires a permit to sell alcohol | Retains this substantive requirement, but adds new CZO ABO uses to the section (e.g. - brewer/distiller). It also clarifies that both state and city permits are required to sell alcohol (as already required by State law), and removes the concept of being able to sell alcohol before a permit is issued by the City (via a temporary number). |
| 10-50 | Requires a special permit to sell berry wine | Reserves this section since this special permit is not necessary. |

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| 10-53 | Class A Permits | Adds a new type of Class A permit specific to hotels, since hotels can have a bar by right pursuant to the La. Supreme Court - but bars cannot have people under a certain age, which is not necessarily applicable to all bars in hotels, since many are located in the lobby where children are present. |
| 10-78 | Suspension/Revocation procedures re: ABO permits | Creates a new section that allows the City - in emergency situations that "directly and imminently" endanger the community - to temporarily revoke an ABO permit pending a hearing by the ABO board within 10 business days. The law will contemplate an allowance for reinstatement before the hearing (by S&P) if the violations are able to be cured prior to the hearing. The individuals with this authority will be the Mayor, Chief of Police, and the Director of S&P - all with consultation with the City Attorney. |
| 10-101 | Provides the required form and content for ABO applications | Clarifies that existing No. 1 - that the reference to "good character and reputation" is limited to the contents of the proposed, revised No. 3 (or existing No. 4) see below). Deletes the provision requiring all employees to be fingerprinted and photographed as it is not current practice (this is existing #2 in the Code), and renumber accordingly). Proposing to revise existing #4 as it provides that there can be felonies provided in City ordinance, which is not legally permissible. So good character and reputation (as provided in No. 1) is limited to felonies and certain misdemeanors involving moral turpitude). Proposing to revise existing #5 to add resident alien in addition to U.S. citizen for applicable individuals to apply for an ABO permit. Added an entirely new provision that an applicant does not owe city/state/federal delinquent taxes and liens. |

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| 10-123 | Provides for delinquency penalties for late payments of annual low content permit fees, which are due on 4/1 of each year. Current law provides that if the fees are not paid within 5 days of 4/1, that there is a 25% delinquency fee. For high content the renewal fee is due "on or before the first day of the second month preceding the effective date of the permit for the ensuing year." If not paid timely, for high content, there is a 5% penalty if not paid within 5 days up to 30 days of expiration, with an additional 5% penalty for every 30 days thereafter. | To clarify the law - proposing a 4/1 due date for both high and low renewals, but the penalty remains at 25% for low after 5 days and 5% for high after 5 days, with a 5% increase for every 30 days thereafter. There is a proposed new provision that requires - if no fees for high or low are received by 6/30 - that a new application is required (cannot just renew). But penalties will stop accruing at the 6/30 date since a new application is required. |
| 10-124 | Contemplates installment payments for permit fees | Clarifies that installments for the permit fees themselves are not permitted (as this practice has been discontinued), but that installment payments can be had for settlements agreements authorized by the ABO board (e.g., for back taxes), and provides that outstanding taxes/fees/etc. constitutes a violation of this chapter. |
| 10-125 | Permits required to be displayed in public view | Retains existing requirement, but adds a requirement that conditional use provisos must also be conspicuously displayed. |
| 10-128 | Law requires that a responsible party be on premises at all times and the manages must satisfy all requirements required for owners. | Retains the responsible party requirement, but clarifies - even though it is already required - that the responsible party cannot bounce from location to location at the same time, leaving a premises unstaffed. A responsible party must be present at each location at all times. Also, will remove the requirement that a manager's spouse cannot be a felon, because it is too onerous. |
| 10-131 | Requires notice to the city of a change in managers for an ABO outlet | Reserving b/c duplicative of another section (10-128) that contains same requirement. |

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| 10-157 | Provides the grounds for the ABO board to revoke, suspend, or provide for other remedial sanctions for an ABO outlet | <p>Modifying the existing No. 5 to remove a reference to "immoral" conduct - the revision will provide that permitting any disturbance which violates [the criminal code] of the City or State is a violation.</p> <p>Delete existing No. 7, and renumber accordingly (existing No. 7 prohibits women from soliciting/asking patrons for drinks).</p> <p>Existing No. 11, added fees/liens in addition to taxes, and clarified the requirement applies to city <i>and state</i> fees/liens/etc.</p> <p>Existing No. 16, defining business entity to clarify when an owner is a corporation what the parameters are w/ regards to the requirement that conviction of a felony by an owner is grounds for revocation.</p> <p>Existing No. 23, which currently provides for revocation based on complaints of 10 electors within 300 feet of an ABO, to provide 10 residents (renters or owners) within 500 foot radius.</p> |
| 10-157 (cont'd) | | <p>Creation of the following entirely new grounds (Nos. 27-37), which will include: 27) Failure to comply with requests for audits or payments of taxes/fees/liens/etc.; 28) Any violation of Ch. 10; 29) Any violation of Title 26 of the R.S., 30) Sales of alcohol w/o a permit; 31) Violations of the city code (outside of chapter 10); 32) Violation of Conditional Use provisos; 33) Refusal of S&P/Finance inspectors' requests for inspection; 34) Concealing violations; 35) Failure to produce invoices; 36) Falsifying invoices; 37) Revocation of ABO permit by the state.</p> |

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| 10-160 | Provides fines and penalties. Existing law provides as follows: 1) \$50-500 fine; 2) limitation on operating hours and live entertainment; 3) posting of security guards; 4) litter abatement measures; 5) off street parking requirements; 6) soundproofing; and 7) bond for payment of fines/fees. | <p>Modifying available fines and penalties for violations as follows: for monetary violations (failure to pay taxes for example), the remedial penalties are limited to fines and requiring bond payments for those fines/fees - and increasing the minimum fine from \$50.00 to \$100.00.</p> <p>For all other violations (non-monetary), the following fines/penalties are available: 1) \$100-\$500 daily penalty (per violation); 2) limitation on operating hours; 3) limitation on the use of the premises (live entertainment for example); 4) heightened security measures including: outdoor cameras that can archive footage for 30 days (Note - no provision for interior cameras will be in the proposed law), exterior lighting, and security guards. 5) soundproofing measures; 6) bond for payment of fines/fees; 7) augmenting litter abatement measures.</p> |
| 10-161 | Currently reserved | Create a new section that provides the impact of state suspension/revocation. If the state revokes, then the City must do so as well, and if the City revokes, then notice must be provided to the State within 3 business days. |
| 10-236 | Restricts new locations of certain ABO outlets near churches, playgrounds, or public libraries. Current law restricts any "barroom, saloon, cabaret, or other place where alcoholic beverages are sold at retail" within 300 feet of these uses. | Retains restriction, but updating the law to utilize proper CZO use terms (so removing barroom, saloon, cabaret, or other place where alcoholic beverages are sold at retail and replacing them with "bar, adult performance venue, live performance venue, and venue authorized to provide live entertainment as a secondary use that is also authorized to sell alcoholic beverages for consumption on premises."). Also, clarifying that the restriction is a 300 foot <i>radius</i> from the location in urban districts (as defined by CZO) and a 500 foot radius for suburban districts (as defined by CZO). |

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| 10-237 | Restricts new locations of certain ABO outlets near churches, playgrounds, or public libraries. Current law restricts any "package house or package liquor store" to exist within 300 feet of these uses. | Retains restriction, but updating the law to utilize proper CZO use terms (so removing package house or package liquor store and replacing with "retail sales of package alcoholic beverages"). Also, clarifying that the restriction is a 300 foot radius from the location in urban districts (as defined by CZO) and a 500 foot radius for suburban districts (as defined by CZO). |
| 10-238 | Provides how distance is measured with regards to the prohibitions in 10-236 and 10-237 (above), and limits said measurement to as "a person walks using the sidewalk of the property line". | Revises measurement provisions to provide that the measurement is a radius taken from every lot line of the premises, retaining the 300 or 500 foot radius depending if urban or suburban location. Also, revising this section to capture the recent amendments to Chapter 146 that allows permitted "sidewalk cafes" to sell alcohol (existing Ch.10 was never updated to reflect the Ch. 146 amendments). |
| 10-261 | Restricts the sale of alcohol in residential and parks districts | Retains restriction, but updating the law to utilize proper CZO use terms (so removing barroom, saloon, cabaret, or other place where alcoholic beverages are sold at retail and replacing them with "bar, adult performance venue, live performance venue, and venue authorized to provide live entertainment as a secondary use that is also authorized to sell alcoholic beverages for consumption on premises."). |
| 10-262 | Provides exceptions to the general rule in 10-261 (above), which includes wine tasting at farms | Updating to include "rural residential districts" since that is the new land use category that contemplates farms. |
| 10-263 | Provides a package liquor store prohibition in residential districts | Retains restriction, but modifies the reference in the law to "residential planned communities", which is no longer a use that exists in the CZO, and replaces it with the current, comparable use, "Planned Development" |
| 10-286 | Provides the areas of the city where alcoholic beverages are prohibited | Reserving this section since CZO dictates available locations for specific uses - not City Code. |

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| 10-401 | Provision prohibits the sale of any alcohol outside a premises (for consumption on premises) - and prohibits conducting alcohol sales outside a window or door to the public right of way. | Propose clarifications that retain prohibition of sales through the window/door, but tailor it to clarify that this does not apply to online grocery orders, and to valid sidewalk cafe permits that are issued pursuant to Chapter 146. But creates a new requirement - which is CZO consistent - that no new bar, counter, or other alcoholic service location shall be established within 10 feet of the outermost wall of the licensed premises, with the exception that with a special event permit, the 10 feet limitation can be reduced to 6 feet (for the duration of the special event). |
| 10-403 | Prohibits sidewalk seating for bars | Reserving section to allow City to defer to parameters of sidewalk use permits established in Ch. 146. |
| 10-429 | Current law restricts any "barroom, saloon, cabaret, or other place where alcoholic beverages are sold at retail" from possessing or prohibiting "mickey fins" | Updated to reflect that this prohibition applies to "any place where alcoholic beverages are sold" (since uses listed in law no longer exist in CZO), and update to reflect rohypnol and other drugs that carry a slang designation. |
| 10-430 | Current law restricts any "barroom, saloon, cabaret, or other place where alcoholic beverages are sold at retail" from permitting prostitution on premises | Revises to retain prohibition, but it applies to "any place where alcoholic beverages are sold" (since uses listed in law no longer exist in CZO) |